

NORFOLK TIMBER INVESTMENTS, LLC,))
)
 Plaintiff,)
)
 v.)
) Case No. 5:09-cv-427
 CEMEX, INC., and CAPELLA)
 HOLDINGS, INC.,)
)
 Defendants.)
)

Plaintiff Norfolk Timber Investments, LLC, having reached an consummated a mutually agreeable settlement with Defendants Cemex, Inc. and Capella Holdings, Inc. that resolves all claims between the parties related to the subject matter of the above-styled action, with each party bearing its own costs and attorneys' fees, and having agreed to dismiss with prejudice all causes of action set forth in the Complaint and the First Amended Complaint in the above-styled action;

IT IS HEREBY ORDERED that the above-styled action, including all Counts of the Complaint and the First Amended Complaint, is hereby DISMISSED WITH PREJUDICE.

So Ordered, this the 29th day of October, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT